CONSIDERATIONS

On the LAWS, &c.

FURTHER

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Relating to the

POOR.

By the AUTHOR of

CONSIDERATIONS on ſeveral PROPOSALS for the better Maintenance of the POOR.

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4.

FURTHER

CONSIDERATIONS

On the LAWS

Relating to the POOR.

THE Houſe of Commons, as appears by the Votes of the 30th day of *May* 1759, having come to ſeveral reſolutions relating to the Laws for relief of the Poor, it may not be improper for any one who has had ſome ſhare of experience in the operation of thoſe laws, to point out what inconveniences may happen on the propoſed alterations of them.

The enormity of the preſent expence is repreſented in the higheſt manner, ſome real and ſome ſeeming defects are ſet out in the ſtrongeſt lights; and an alarm appears to be given, as if nothing but a total abolition of the old ſyſtem could cure the evils complained of. But before ſuch an abolition takes place, it ought to be very well conſidered, whether the plan to be ſubſtituted in their ſtead would anſwer in practice, as well as look fair in theory.

This matter it is hoped will be viewed by the Legiſlature in its large and extenſive light, as a very conſiderable part of the general police of this kingdom; and as it is not beneath the attention of the greateſt perſons in it (without whoſe aſſiſtance no effectual amendments can be expected) it ſhould be ſubmitted whether a time of war be a proper ſeaſon to meddle in this buſineſs at all, or whether it be right to engage any further in it, than to rectify ſuch things as preſent circumſtances may ſeem to require; and to leave the reſt to be maturely weighed in days of peace and leiſure.

When this happy ſeaſon ſhall arrive, the ableſt heads of all, it may be preſumed, will take it into their conſideration: and in the mean while what is humbly offered here, is rather deſigned to prevent precipitation, than to preſume at marking out any perfect plan for the amending the preſent, or forming any future, laws.

To perſuade thoſe who are moſt for a total change, not to be too haſty, it is heartily recommended to them, to reflect on the general foundation of the eſtabliſhment now ſubſiſting; to ſee whether it quadrates with our government and our commerce; and with the nature and temper of our people; to think whether the preſent plan may not better promote the increaſe of their number, and be a better way of governing and civiliſing, as well as employing and feeding the Poor; and whether the ſett of laws now in being may

may not more readily fall in with a general conſtitutional police than any others ever yet propoſed.

In theſe views, which ſurely upon this ſubject are not too much extended, let the late reſolutions be conſidered.

On the 30th of *May* 1759, Sir *Richard Lloyd* reported from the Committee appointed to take into conſideration the ſtate of the poor, that they had come to the following reſolutions, *viz.*

> " That it was their opinion, that the preſent me-
> " thods of relieving the Poor in the reſpective
> " pariſhes, where no workhouſes, or other pro-
> " per places have been provided for their recep-
> " tion and employment, are, in general, very
> " burthenſome to the inhabitants of ſuch pariſhes,
> " and tend to render the Poor miſerable in them-
> " ſelves, and uſeleſs to the Community."

This reſolution is directly contrary to the ſenſe of the miniſtry in Queen *Elizabeth's* time, and to the ſenſe of the generality of the people of *England* from that time to this: but, without making any compariſon of perſons or times, let us ſee how the reſolution ſtands in itſelf. And, firſt, it ſpeaks of places where there are no workhouſes, without mentioning the good effects of the vaſt numbers of them already ſet up in the kingdom, or taking any notice of the known fact, that where they are but tolerably well conducted, they do already anſwer the deſirable ends of reducing the rates;

rates, and employing the Poor to their own benefit and comfort, and to the advantage of the Community.

In the next place, the reſolution ſays, that the preſent methods, where there are no workhouſes, are, in general, very burthenſome to the inhabitants, and tend to render the Poor miſerable and uſeleſs. All payments are, by many people, thought burthenſome; but how a legal proviſion to ſupport the Poor in their diſtreſſes, and enable them to work, ſhould have a tendency to render them miſerable and uſeleſs, is not ſo eaſy to be conceived; eſpecially in a country which depends upon trade and agriculture, and which cannot carry on its trade without making goods at low wages, and which gives bounties on the exportation of corn, which bounties are, in effect, an addition to the Poor rates; for if the huſbandmen could be maintained at ſo much lower a charge as theſe bounties amount to, there would be no need of the bounties. The fact is, that by theſe wiſe laws for maintaining the Poor, our manufactures and our corn are exported for the benefit of the nation to a greater account than they could poſſibly be without ſuch a proviſion; and though thoſe who are not immediately concerned in trade, think it burthenſome, yet this is a very narrow way of thinking, becauſe the national export is advanced to a much greater degree, than the expence amounts to: and the landed intereſt are too apt to forget that their eſtates are improved by thoſe exports to a higher degree than what the payment of the Poor rates can amount to.

In

In the article of trade, every conſiderable clother, baymaker, or dealer in iron ware, employs many hundreds of hands among the Poor, and at ſuch low rates of wages, that, if they have a great many children, or in times of ſickneſs, they cannot maintain themſelves, nor can the employer maintain them; for if he was at that expence, he could never ſend abroad one ſingle piece of goods. The public therefore muſt ſupport them in theſe exigencies, and the pariſh can do it with the moſt frugality and propriety; for if theſe families are, upon every diſtreſs, to be ſent away to a country workhouſe or hoſpital, the manufacture will ſoon be at a ſtop. Every man, therefore, pays towards the export of corn; and every pariſh, where there is a manufacture, pays towards the carrying it on, and it is very fit and right that it ſhould be ſo; though ſome particular perſons may think, and feel it, burthenſome, yet ſtill it is ſo beneficial upon the whole, that there does not ſeem to be a ſufficient ground for this reſolution. The ſecond reſolution is,

" That the preſent method of giving money out of
" the parochial rates to perſons capable of labour,
" in order to prevent ſuch perſons claiming an
" entire ſubſiſtence for themſelves and their fa-
" milies from the pariſhes, is contrary to the ſpi-
" rit and intention of the laws for relief of the
" Poor; is a dangerous power in the hands of
" parochial officers; a miſapplication of the pub-
" lic

" lic money, and a great encouragement to idle-
" neſs and intemperance."

If this reſolution was a little more intelligible, it would be a great deal eaſier either to agree with it or contradict it. Does it mean, that giving money occaſionally to perſons, at moſt times capable of labour, in order to prevent their coming wholly upon the pariſh, is contrary to the ſpirit and intention of the laws for their relief? If this be its meaning, the aſſertion can not be right. For there is certainly no way ſo proper to prevent a poor family from becoming burthenſome, as to give them relief in particular diſtreſſes, in order to enable them to go on again when the affliction is removed. In caſe of the ſmall pox, in lyings in, in bad fevers, broken limbs, or like misfortunes, can any aſſiſtance be ſo ready as a parochial proviſion? Muſt a family, in theſe caſes, (and 'tis from theſe that the relief-expence ariſes) be abandoned to precarious charity, or ſent to County-hoſpitals, which is frequently impracticable? or is it a dangerous power in the hands of parochial officers to relieve them? Where can the power be leſs dangerous? Will not the pariſh, for their own ſakes, exerciſe it with as much frugality as the caſe will admit, or as any body elſe will do for them, whoſe immediate intereſt is not concerned? And how can this poſſibly be called a miſapplication of public money, or an encouragement to idleneſs? What is really a miſapplication of public money,

ney, needs not be explained here: but thoſe who want a particular explanation, may more readily find it in great offices, and extended corporations, than in poor pariſh rates, where thoſe who do offend, immediately hurt themſelves, and where every neighbour can ſee it, and ſtop it, if he pleaſes. The third is,

> " That the employment of the Poor, under proper
> " direction and management, in ſuch works and
> " manufactures as are ſuited to their reſpective
> " ſtrengths and capacities, will be of great utility
> " and advantage to the public."

This is undeniably true; but whether it can beſt be done, in ſmaller or in larger diſtricts, is not determined in this reſolution. The fourth is,

> " That the placing of the Poor in workhouſes, to
> " be provided within ſuch diſtricts as ſhall be
> " deemed moſt convenient, in the ſeveral counties
> " and ridings in *England* and *Wales*, under the
> " direction and management of governors or truſ-
> " tees, to be particularly appointed or choſen for
> " that purpoſe, will be the moſt effectual me-
> " thod of aſſiſting and relieving ſuch poor per-
> " ſons, as by age, infirmities, or diſeaſes, are
> " rendered incapable of ſupporting themſelves by
> " their labour; of employing the able and in-
> " duſtrious; reforming the idle and profligate;
> " and of educating poor children in religion and
> " induſtry."

As

As theſe houſes are to be both workhouſes and hoſpitals, and muſt be very large and capacious, when the eſtimates for building and maintaining them ſhall appear, it will probably occaſion ſome doubts about the prudence of this meaſure; eſpecially when it comes farther to be conſidered, who theſe governors and truſtees are to be. If gentlemen would undertake the trouble now, each for his own and near neighbouring pariſhes, complaints about the Poor laws would very ſoon ceaſe: but if they do not care to engage in a taſk ſo much more eaſy, how can it be expected that they will make themſelves maſters, or even curators, of ſuch monſtrous Bridewells as theſe muſt be? If gentlemen will not undertake ſo diſagreeable an employment, it muſt be left to officers upon ſalaries, and purveyors, who will find their account in every thing that is tranſacted; and how can this be prevented from becoming a moſt dangerous and expenſive job? Thoſe who complain of burthens now, will find them trebly increaſed, if this ſcheme ſhould take place: and they will find that this cannot be a right method of aſſiſting poor families. The true method ſeems to be, to have county hoſpitals for the aged, and for orphans or foundlings, upon ſuch a conſtitution as the ſubſcribers to a voluntary charity ſhall regulate. County houſes of correction are the right places for the profligate and the lazy, where the preſent laws conſign them; and parochial workhouſes, for one pariſh, if large, and for two or three, if ſmall, are the beſt means to employ

ploy the Poor; and parochial proviſion is the ſafeſt, cheapeſt, and beſt method for their ſupport. Nothing but indolence in the principal people of each pariſh, or in the neighbouring magiſtrates, can prevent this method from anſwering every deſirable end: and 'tis owing to this indolence alone that we hear of ſo many complaints *. The fifth reſolution is,

> "That the Poor, in ſuch workhouſes, will be "better regulated and maintained; and manag-"ed with more advantage to the public, by "guardians, governors, or truſtees to be ſpeci-"ally appointed or choſen for that purpoſe, and "incorporated with ſuch powers, and under "ſuch reſtrictions as the legiſlature ſhall deem "proper, than by the annual parochial offi-"cers."

All that is ſaid in this reſolution being included in the next before, it would be but repetition to give any particular anſwer; and therefore it may as well be obſerved in general, that the diſguſt ſome gentlemen have taken at the preſent proviſion for the Poor, has thrown them into ſuch an eagerneſs for a change, as has not given them time to conſider, that 'tis not ſo likely, that guardians and governors who have no immediate intereſt in the frugal management of a

* The objections to theſe large houſes for the Poor, are more fully ſtated in former Conſiderations on the Poor laws, printed for *C. Davis*, 1752.

truſt, will execute it ſo well, as thoſe who have ſuch immediate intereſt, and no other: nor have theſe gentlemen given themſelves leave to reflect, that to have one great houſe for the receiving the aged, the impotent, and the orphan; the ſick and the weak; and for puniſhing the idle, and the diſſolute; and for educating the children, is a ſcheme totally impracticable; for theſe things, if they are well done at all, muſt be done in different departments, according to the ſyſtem of the preſent laws.

The Hotel Dieu, at *Paris*, comes the neareſt of any thing now ſubſiſting to the plan propoſed by theſe reſolutions; but from the enormity of its graſp, it has conſtantly failed of the deſired ſucceſs. Four or five lie in a bed; the dying and the dead are mixed with the living; the ſtench and naſtineſs occaſioned by the numbers is intolerable: The beggars and vagrants are received, and turned out again, for want of room and proper employment: The adminiſtration of it is frequently found fault with, and frauds complained of; and in ſhort, all the edicts, for fourſcore years together, have been found ineffectual; and chiefly by their perſiſting in this plan of a general hoſpital for all the purpoſes relating to the poor, which in the nature of things, cannot anſwer the end propoſed, or be even tolerably well executed. If the ſevere government of *France* cannot make this ſcheme ſucceed, how can ſucceſs be expected from our milder laws; eſpecially as jobs here are too liable to be

protected by parties. By their arrêts vagrant women are to be impriſoned, whipped, and ſhaved; bohemians or gypſies are ſent to the gallies, and their women baniſhed; pilgrims are deemed vagrants. All who have no profeſſion, trade, or certain habitation, and all who cannot procure certificates of good behaviour, are deemed vagabonds, and to be tranſported to the colonies. A body of archers is appointed to clear the ſtreets of vagabonds; and after all this, the nuſance from beggars and vagrants there, is ſaid to be much greater than in *England*. It is alſo ſaid by very intelligent perſons, that not ſix in a hundred children ſent to theſe great hoſpitals, are brought up. If ſo, (though we ought to adopt any thing that is well done in *France*, or any where elſe) let us take care to avoid their miſtakes. The ſixth Reſolution is,

> " That the erecting *the workhouſes* upon waſte lands,
> " and appropriating a certain quantity of ſuch
> " lands to be cultivated, in order to produce
> " proviſion for the Poor in the ſaid houſes,
> " would not only be a means of inſtructing and
> " employing many of the ſaid Poor in agriculture,
> " but leſſen the public expence."

This would be a moſt excellent reſolution, if, inſtead of *the workhouſes* (meaning thoſe enormous complex things before objected to) it had only ſaid *workhouſes, or cottages, and upon waſte lands*, &c. For, if

it ſhould be enacted, that a ſmall workhouſe for an overlooker, or maſter, to live in, and a number of ſmall huts or cottages, ſhould be built on every large heath in *England*, with an acre or two of land allotted to each cottage, in which ſhould be placed all idle or vagrant Poor to be found in the pariſh, or in two or three pariſhes adjacent, with an allowance of bread only in ſpecie to each inhabitant who ſhould have the cottage, and land, for life upon good behaviour, and for miſbehaviour ſhould be ſent, for a time, to the county-houſe of correction; and in caſe of illneſs, &c. for their own pariſh to relieve them; this would probably prove one of the beſt of laws relating to the Poor; and the experiment would be neither dangerous nor expenſive. The pariſhes might be obliged to build the workhouſe and the cottages, under the direction of the juſtices of peace, with an appeal to the ſeſſions in caſe of improper orders. The ſeventh eſolution is,

> " That the controverſies and law ſuits concerning
> " the ſettlements of poor perſons, occaſion a
> " very great, and, in general, an uſeleſs ex-
> " pence to the public, to the amount of many
> " thouſand pounds *per annum*; and that often
> " more money is expended in aſcertaining ſuch
> " ſettlements by each of the contending pariſhes,
> " than would maintain the paupers."

Nothing

Nothing can be more commendable or deſirable in any well ordered ſtate, than to reſtrain the exorbitant expence of law ſuits; nothing more congruous to the Engliſh conſtitution, than to have all matters of diſpute decided in our courts with as much eaſe and diſpatch, and as little uſeleſs coſt and delay as the nature of the caſe will admit. On the other hand, penny wiſdom may make us begin a reform at the wrong end. The firſt thing to be conſidered as to theſe ſettlements, is, whether it is found policy to leave all our people fixed in ſome certain places as their home, or not: and if it be found fit and right that all ſhould have a home, and none ſuffered to be in a vagrant ſtate, then whether the preſent laws about ſettlements are proper for the purpoſe, or whether better or leſs expenſive laws can be propoſed in their ſtead. It is ſo nearly ſelf evident, that a people may be better governed, and taken care of, when properly ſtationed, than in a wild unſettled confuſion; and our own country having been wiſely divided, ever ſince the Saxon times into counties, hundreds, and pariſhes, which proves to this day, a convenient and orderly diſpoſition; it would be to no purpoſe to argue about ſo apparent an utility. It remains therefore only to inquire, whether the laws for aſcertaining what pariſh each man ſhall belong to, be well contrived or not? and here it ſhall only be obſerved, that they are well known, and therefore leſs liable to

conteſt

conteſt than new ones would be: that in general they are rational and well founded: that the pariſhes are not forced to try moſt points unleſs they pleaſe; and that though lawyers may run into fineſſes upon theſe and all other laws that can be made, in poſſible caſes that may ariſe, and cannot all be foreſeen, yet upon the whole much leſs inconvenience does now happen to pariſhes, by every now and then a very ſhort law ſuit, than would happen to them, if every vagrant that pleaſes ſhall come and ſettle himſelf in their pariſh, and they be obliged to maintain him and his family, or ſee them periſh. Let any gentleman (who is ever ſo tender of putting people to expence) aſk any pariſh, whether they deſire to have the laws of ſettlement repealed or not? and if they anſwer in the negative, as probably every pariſh will, this general conſent will ſhew, that theſe laws ought not to be ſet aſide. On the other hand they may, without doubt, admit of alterations and improvements, as circumſtances ſhall require; and to ſuch alterations, whenever propoſed, either in theſe or any other of the Poor laws, reaſonable and ſober men will be always ready to give their concurrence, though they will never willingly give up a whole ſyſtem of rational, ſafe, and long tried laws, in order to make viſionary, coſtly, and dangerous experiments. Inſtead of repealing the ſtatutes for paſſing of vagrants, which is attempted in this reſolution, theſe acts want ſtrengthening

and

and inforcing more than any other relating to the Poor. By the tenderneſs habitual to our legiſlature, a vagrant cannot be tranſported till after a third conviction; which ſo very ſeldom happens, that this prudent inſtitution has hardly any effect. A power ſhould therefore be given to the courts of general quarter ſeſſions, to tranſport vagabonds and vagrants under forty years old, on their firſt conviction, unleſs in two months time they will produce ſureties for their good behaviour here. This article of vagrants is one of the largeſt of the expences complained of, and one of the greateſt of the diſturbances of the good order of the ſtate; and therefore to tranſport vagabonds to places where they may better be made uſeful, than they can be at home, would ſoon cure the evil, or convert it into good. The eighth reſolution is,

"That whilſt the preſent Poors laws ſubſiſt, the "compelling pariſh officers to grant certificates "to the Poor, will be a means of preventing "the hardſhips they now ſuffer, in being de-"barred gaining their livelihood where they can "do it moſt uſefully to themſelves and the pub-"lic."

This reſolution is ſo well intended, that it ought to be complied with, under proper reſtriction. For the Poor to be judges in their own caſe, and without conſulting

ſulting any reaſon or propriety in the demand: to put it abſolutely in their power to require a certificate to what place they pleaſe, at ever ſuch a diſtance from their own pariſh, will be attended with expences and inconveniences that are ſtriking at firſt ſight: but if this requiſition be qualified in this manner, that where any poor perſon is at work in any pariſh where he can better get his living than in his own, and the pariſh officers where he is at work, will give under their hands that he is uſefully employed there, then the pariſh where he belongs ſhall be obliged to give him a certificate. This would anſwer all the deſirable ends propoſed by the reſolution, and would not be liable to an improper perverſion. The unlimited demand ſeems as contrary to right reaſon, as a general naturalization, which though often eagerly preſſed, and upon good intention, certainly overſhoots a very deſirable mark. To enact, that all who come hither and will take the oath as proteſtants, ſhall immediately be ſettled here, and intituled to maintenance, would fill *England* with the vagrants, the cripples, and the ſcum of *Europe*: but to ſay, that whoever comes hither, and produces a certificate that he has been here a year, and has maintained himſelf by his induſtry and good behaviour, or has ſufficient to ſupport himſelf and family without charge to the public, then he ſhall be intituled to naturalization, is what few people would object to, and is all that a prudent general naturalization can require.

The

The objections above are, with the greateſt condeſcenſion, ſubmitted to the better judgment of thoſe who are to take into conſideration the reſolutions before mentioned: but leſt a general repeal of the preſent laws about the Poor ſhould, at any time hereafter, take place, and include even the laws about baſtardy, which make a conſiderable part of the ſyſtem now in force, it may not be improper to mention the ſtatute of 6 Geo. II. which impowers a juſtice of peace, on complaint of a woman with child, to apprehend the father, and commit him, unleſs he gives ſecurity to indemnify the pariſh, or to appear at the next quarter ſeſſions, and abide by their order, purſuant to the act of 18 Eliz. This is one of thoſe wiſe and well conſtituted laws which executes itſelf, and is attended with the moſt ſalutary conſequences.

The ſervants of farmers, manufacturers, and others, live together in a way not over favourable to chaſtity. The girls are got with child (generally ſpeaking) upon promiſes of marriage. The young fellows follow faſt enough the manners of the times, and deſert the perſons whoſe ruin is the conſequence. What is to be done? the girl goes to the magiſtrate, makes oath of her pregnancy, and of her betrayer. The man is taken up, and then he muſt either marry, or give ſecurity, or be impriſoned. He generally complies with the former, becomes a huſbandman, or manu-

facturer, and this child, and the reſt that follow, increaſe the number of uſeful people, are brought up in the hardy healthful proper manner, which exceeds all that can poſſibly be done in any foundling or other hoſpital whatſoever; the ſtate is ſtrengthened, and the particulars ſaved from the deſtruction which muſt ever be the effect of promiſcuous vice.

Let it not be ſaid, that this is a hard law, compelling a man to marry a whore. The women above deſcribed ſhould not be called by that name, (they being generally under contracts of matrimony) beſides, common whores ſeldom breed; and if ſuch a one happens to do ſo, the magiſtrate ſends her to the houſe of correction, and the man, if he be ſent thither likewiſe, is ſoon diſcharged, and not required to marry her. If a married man happens to be the criminal, he is confined longer, unleſs he can give good ſecurity to indemnify the pariſh: but when it is found that he cannot do it, the court diſcharges him upon any ſecurity, however ſlight it may be. The late opening the foundling hoſpital to all that ſhall be brought thither counteracts this ſalutary law, prevents marriage, encourages vice, and unnatural deſertion of infants by their mothers, and will contribute to thinning of the land of its moſt uſeful inhabitants, if it be not reduced to its firſt regulation, under voluntary charity for the city of *London*, and its near neighbourhood.

Juſt one word may be added to diſſuade perſons from being too much in haſte to alter the preſent laws, in exchange for a more EXPENSIVE ſcheme; and that is, that although the Charge be now a conſiderable one to Particulars, yet it does not mix itſelf with the *Public* expences, or funds; nor does it coſt the State, as a State, one ſingle ſhilling. Whereas, ſhould the propoſed method of great Buildings, and numerous Officers, take place, it muſt occaſion a *Public Expence*, as large at leaſt as that for maintaining the ARMY.

FINIS.